

April 20, 2012

VIA COURIER AND ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *In the Matter of Special Access Rates for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, WC Docket No. 05-25, RM-10593*

Dear Ms Dortch:

Pursuant to the *Modified Protective Order*¹ and *Second Protective Order*² in the above-referenced proceedings, EarthLink, Inc. (“EarthLink”) hereby files data responsive to Questions III.C.4 and III.D.1-4 of the Commission’s voluntary *Special Access Data Request*.³ This filing includes data from five companies that are now part of Earthlink: One Communications, Deltacom, BTI (included in joint data with Deltacom), New Edge Networks, and STS. Because EarthLink acquired certain of these companies very recently, EarthLink is still in the process of integrating the companies’ data systems. Due to associated constraints, EarthLink was unable to provide responses to Questions III.C.1-3. Additionally, the data herein is provided subject to the following limitations and assumptions:

- EarthLink’s response to Question III.C.4 contains data for DeltaCom/BTI and One Communications only. In addition to the data requested by the question, One Communications has also included revenue data for PSDS in its response. New Edge Networks and STS data in response to this question would be *de minimis*, and has therefore been omitted.
- EarthLink’s response to Question III.D.1 contains data from all five companies but only contains data for 2010. The DeltaCom/BTI data assumes that all circuits purchased from Frontier were purchased under *Tariff Discount Plans* and that all special access DS1 circuits purchased from AT&T were purchased under *Prior*

¹ *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Modified Protective Order, 25 FCC Rcd. 15168 (2010) (“*Modified Protective Order*”).

² *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Second Protective Order, 25 FCC Rcd. 17725 (2010) (“*Second Protective Order*”).

³ *Competition Data Requested in Special Access NPRM*, Public Notice, DA 11-1576 (rel. Sept. 19, 2011) (“*Public Notice*”).

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Purchase-Based Discounts. The One Communications data contains a “0” for Ethernet bandwidth in instances where bandwidth was unknown. Also, in addition to using values 1-4 for the “jurisdiction” field, the One Communications data indicates a “5” for UNEs and a “6” where both interstate and intrastate rates apply (such as for certain trunking circuits).

- EarthLink’s response to Question III.D.2 includes data for DeltaCom/BTI and STS only. STS has provided adjustment volumes but was unable to provide detailed information about each adjustment. The DeltaCom/BTI data includes adjustments for Ethernet circuits labeled with a Adjustment ID beginning with “PCB.” One Communications has not provided a response to this question because it does not purchase circuits under plans for which adjustments are applied. New Edge Networks has not provide a response to this question because it was unable to attain the relevant data.
- EarthLink’s response to Question III.D.3 includes data for DeltaCom/BTI and One Communications only. This data represents a snapshot of circuits active as of December 2010. The DeltaCom/BTI data assumes that all circuits purchased from ILECs other than AT&T, Verizon, and CenturyLink were purchased at month-to-month rates and that all circuits purchased from Frontier were purchased under *Tariff Discount Plans*. STS did not provide a response to this question because it does not purchase circuits from ILECs in their legacy-ILEC territories. Although STS purchases circuits from AT&T, it only does so in legacy non-ILEC AT&T territory. New Edge Networks has not provided a response to this question because it was unable to attain the relevant data.
- EarthLink’s response to Question III.D.4 includes data for DeltaCom/BTI and One Communications only. This data represents all circuits purchased from ILECs in 2010. The DeltaCom/BTI data assumes that all circuits purchased from ILECs other than AT&T, Verizon, and CenturyLink were ordered at month-to-month rates and that all circuits purchased from Frontier were purchased under *Tariff Discount Plans*. STS did not provide a response to this question because it does not purchase circuits from ILECs in their legacy-ILEC territories. Although STS purchases circuits from AT&T, it only does so in legacy non-ILEC AT&T territory. New Edge Networks has not provide a response to this question because it was unable to attain the relevant data.

Please note that the enclosed data is subject to highly confidential treatment under the *Second Protective Order* in the above referenced proceeding as it contains highly detailed customer and geographic information regarding (1) the locations that the companies serve with last-mile facilities and the nature of those facilities; (2) the extent to which the companies rely on incumbent LEC and non-incumbent LEC last-mile facilities and local transport facilities to

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provide special access-like services and the nature of those inputs; (3) the rates or charges associated with channel terminations or transport facilities, and information from which such rates or charges could be inferred; and (4) the circuit identifiers, tariff or contract identifiers, or other information associating channel terminations or transport facilities with a particular tariff or contract. EarthLink keeps this information in the strictest confidence, and it is not available from public sources. Any of this information, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. Because all of the enclosed data qualifies as highly confidential, it is redacted in full, and EarthLink is therefore not submitting a public version of the CD containing this data.

Should you need clarification or further explanation of the information provided a consultation with the appropriate subject matter expert can be arranged by contacting Traci Tidmore at Traci.Tidmore@corp.earthlink.com or 256-382-7090.

Sincerely,

/s/ Chris Murray

Chris Murray

Jerry Watts

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cc: Andrew Mulitz

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